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10 UNITED STATES DISTRICT COURT FOR THE  
11 EASTERN DISTRICT OF WASHINGTON  
12 HONORABLE ROSANNA MALOUF PETERSON

13 UNITED STATES OF AMERICA,  
14 Plaintiff,  
15 vs.  
16 TERRY HUNT,  
17 Defendant  
18

No. 16-207-RMP-1

Sentencing Memorandum

DECEMBER 7, 2017 AT 9:30 AM

19  
20 TO: Joseph Harrington, Acting United States Attorney  
21 Earl A. Hicks and George J.C. Jacobs, Assistant United States  
22 Attorney  
23 Terry Hunt, through counsel Richard Bechtolt, submits the following  
24 sentencing memorandum.

25 **I. Applicable Guideline Calculation**

Sentencing Memorandum

1 Terry Hunt has received and reviewed the Presentence Investigation  
2 Report with counsel. Mr. Hunt has no objections to the information  
3 contained in the Presentence Report and agrees with the advisory  
4 guideline calculations as prepared by the United States Probation Officer.  
5 Mr. Hunt is requesting a departure/variance from the advisory guideline  
6 range.

## 7 **II. Impact of Plea Agreement**

8 Mr. Hunt has entered a plea agreement with the United States. It is a  
9 Federal Rule 11(c)(1)(C) agreement. Mr. Hunt, along with two of his sons  
10 and his wife, was originally charged in a multi count Indictment. Mr. Hunt  
11 agreed to plead guilty to an Information charging three counts of a violation  
12 of 18 U.S.C. sec. 922(m), 924(a)(3)(B) and 18 U.S.C. sec. 2. These  
13 offenses are Class A misdemeanors punishable by a maximum of 1 year  
14 imprisonment. The parties agree to recommend a five year term of  
15 probation, Mr. Hunt agrees to forfeit several weapons seized by the United  
16 States, and agrees to pay a fine. Additional conditions of the probation  
17 include no purchasing or selling of firearms and a severe limitation on  
18 possession of firearms (limited to two). The original indictment will be  
19 dismissed upon sentencing.

## 20 **III. 18 U.S.C. sec. 3553(a) Factors**

21 It is now well established that while the United States Sentencing  
22 Guidelines are relevant, courts may not presume that the Guideline range  
23 is reasonable. *Gall v. United States*, 552 U.S. 38, 49 (2007). Mr. Hunt  
24 requests the Court to accept the plea agreement in this case and sentence  
25 Mr. Hunt to a five year term of probation with the terms agreed upon.

1 There are several mitigating factors that should be taken into consideration  
2 in determining a just sentence for Mr. Hunt.

3 A. Nature and Circumstances of the Offense and the History and  
4 Characteristics of the Defendant:

5 Mr. Hunt is seventy-three years old and has been married to his wife,  
6 Mary, for over fifty years. Together they have three children, two of which  
7 are also named in the instant offense. The entire family resides in Coulee  
8 City, Washington where they have a family farm that has been Terry Hunt's  
9 life's work. Mr. Hunt has never been in trouble with the law save this  
10 matter. Mr. Hunt has been a law-abiding farmer his entire life. In addition  
11 to farming, Mr. Hunt worked at the Washington State Grange for  
12 approximately twelve years.

13 Farming is a difficult way to make a living and Mr. Hunt worked hard  
14 to support his family his entire life. Now in his seventies, his sons are the  
15 primary caretakers of his farm and, together, his sons, grandchildren, and  
16 his wife still live on the family farm in Coulee City.

17 Mr. Hunt has been a gun hobbyist for many years. Mr. Hunt bought,  
18 sold, and traded guns for several years before any contact with the ATF.  
19 Mr. Hunt considered this a family activity, and his wife and children would  
20 accompany him on these trips. Mr. Hunt lives in a small town in Eastern  
21 Washington where hunting, target practice, and collecting guns is part of a  
22 way of life. Mr. Hunt raised his children to also enjoy gun ownership which  
23 included hunting and target practice. His grandchildren now enjoy these  
24 same activities.  
25

1           When Mr. Hunt was provided with a letter in 2012 from the ATF, he  
2 sought to understand the alleged violation. The ATF form provided to him  
3 indicates that a person only selling at gun shows does not need a federal  
4 firearms license. The letter Mr. Hunt was provided indicated that a person  
5 is “engaged in the business” of dealing firearms if he is a “person who  
6 devotes time, attention, and labor to dealing in firearms as a regular  
7 courser of trade or business with the principal objective of livelihood and  
8 profit through the repetitive purchase and resale of firearms.” See Attached  
9 Letter and Federal Firearms Form. To Mr. Hunt’s way of thinking, he did  
10 not engage in the sale of firearms for livelihood and profit as his occupation  
11 was a farmer and this was a hobby. Additionally, Mr. Hunt was only selling  
12 firearms at gun shows and the form clearly indicates that a person only  
13 selling guns at gun shows should not submit the Federal Firearms  
14 application. See Attached form at question 18(a) and (b). It should also be  
15 noted that Mr. Hunt suffers from Dyslexia and struggled to understand the  
16 nature of the forms.

17           Mr. Hunt did make the, in retrospect, poor decision to continue to  
18 attend the Reno Gun shows selling firearms and, on several occasions,  
19 had a friend help him purchase firearms by filling out the forms for him.

20           Imagine Mr. Hunt’s horror then in November of 2015 when ATF  
21 agents arrived at Mr. Hunt’s three homes (his home and his son’s homes  
22 on the farm) with firearms as Mr. Hunt’s grandchildren were getting ready  
23 for school. Terry Hunt and his wife, Mary, were in Arizona where they  
24 spend their winters. All firearms in the house were taken including collector  
25 item pieces as well as computers and several other items. Mr. Hunt and

1 his family were devastated and shocked. Mr. Hunt takes responsibility for  
2 his conduct and feels absolutely terrible that his family was also mixed up  
3 in these events. Mr. Hunt's family is everything to him.

4 Mr. Hunt has been an upstanding member of his community. He has  
5 been involved in local politics, been active in church and social groups, and  
6 has been active in farming organizations. Mr. Hunt raised his family in  
7 Coulee City where they all still live together. This case has resulted in  
8 much shame and embarrassment for Mr. Hunt and his entire family.

9 B. The Need to Afford Adequate Deterrence to Criminal Conduct:

10 Adequate deterrence to criminal conduct is achieved by the plea  
11 agreement. The plea agreement, while recommending no incarceration,  
12 has several terms that would be a blow to any gun enthusiast who  
13 participates in gun show sales. Mr. Hunt and his family have agreed to  
14 forfeit several of the firearms seized by the ATF as well as pay a fine. Mr.  
15 Hunt will be on probation as a seventy-three year old man for the first time  
16 in his life. Mr. Hunt will be required as part of the probation to not engage  
17 in collecting, sales, or purchase of firearms which has been a hobby of his  
18 entire family for years. The proposed resolution creates adequate  
19 deterrence.

20 C. The Need to Protect the Public from Further Crimes of the  
21 Defendant:

22 Mr. Hunt has been a law-abiding citizen his entire life. But for this  
23 incident, he has always followed the law. There is no reason to believe that  
24 Mr. Hunt is any threat to the public.

25 D. The Kinds of Sentences Available:

1       The advisory guideline range is greater than necessary to achieve the  
2 goals of sentencing. The United States Probation Officer indicates that  
3 there are reasons for a variance in this matter including that Mr. Hunt has  
4 never had any criminal history, that he has been a provider for his family,  
5 and his age. These factors make Mr. Hunt the perfect candidate for  
6 probation. In the extremely unlikely event that Mr. Hunt violates a term of  
7 probation, the Court has three one year terms of imprisonment it can utilize  
8 for further punishment. Mr. Hunt presents as a perfect candidate for  
9 probation.

10       E. The Need to Avoid Unwarranted Sentencing Disparities between  
11       Similar Defendants:

12       The recommended disposition in this matter avoids unwarranted  
13 sentencing disparities as the plea agreements are similar amongst the  
14 defendants in this case.

15       F. The need to provide the Defendant with needed educational or  
16       vocational training, medical care, or other correctional treatment in  
17       the most effective manner:

18       Mr. Hunt is a man at retirement age who has several medical needs  
19 that he manages through care. Mr. Hunt has been self employed most of  
20 his adult life as a farmer and worked as well. Mr. Hunt does not need  
21 vocational or educational training as he has a trade that he has spent his  
22 life doing. The plea agreement, if accepted, allows Mr. Hunt to continue  
23 with his family assisting with the farm and provides continuity with his  
24 medical care.

25       G. The need to provide restitution:

There is no restitution in this matter.

## IV. Conclusion

Mr. Hunt requests that this Court accept the plea agreement and sentence Mr. Hunt to a term of probation with the terms as agreed by the parties.

Respectfully Submitted this 30<sup>th</sup> day of November, 2017

s/ Richard Bechtolt  
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# CERTIFICATE OF SERVICE

I hereby certify that on this 30<sup>th</sup> day of November, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:  
Earl A. Hicks and George J.C. Jacobs, III. Assistant United States Attorney.

s/ Richard Bechtolt  
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